



WISCONSIN LEGISLATIVE COUNCIL

JOINT LEGISLATIVE COUNCIL MINUTES

Room 412 East, State Capitol
Madison, Wisconsin

March 9, 2005
8:40 - 9:50 a.m.

[The following is a summary of the March 9, 2005 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Co-Chair Wieckert called the meeting to order and gave a brief report on the status of the Joint Legislative Council study committee work and membership change within the Council. He welcomed the newest members: Senators Decker, Fitzgerald, Grothman, Kapanke, Miller, Robson, Schultz and Zien; and Representatives Ainsworth, Huebsch, Nischke and Pocan.

He stated that the Council had just completed a symposium series. There were eight sessions. Topics ranged from health care to international trade agreements. The average attendance at each symposium was near 50 people. He said that many legislators had provided positive feedback.

He explained that the previous Joint Legislative Council established 10 Special Committees in addition to State-Tribal Relations. Four of these committees are reporting at this meeting.

Co-Chair Wieckert also mentioned that it is customary to consider reintroduction of some bills that were approved by the previous Council, but due to the lateness of their introduction, they did not receive complete legislative consideration. Typically, he said, this is done by a one "blanket" motion.

Last, Co-Chair Wieckert explained certain Council rules:

- Members must be physically present to vote. If you are not here when the vote is taken, your vote cannot be recorded.

- Twelve affirmative votes are required, by statute, for a recommendation to be introduced to the Legislature.
- If amendments are to be offered, they must be in writing.

After making his remarks, Co-Chair Wieckert asked that the roll be taken. A quorum was noted present.

COMMITTEE MEMBERS
PRESENT:

Rep. Steve Wieckert and Sen. Alan Lasee, Co-Chairs; Reps. John Ainsworth, Stephen Freese, John Gard, Michael Huebsch, Dean Kaufert, Jim Kreuser, Ann Nischke, Mark Pocan and Marlin Schneider; Sens. Ronald Brown, Russell Decker, Glenn Grothman, Dan Kapanke, Mark Miller, Fred Risser, Judith Robson, Dale Schultz, and David Zien.

COMMITTEE MEMBERS
EXCUSED:

Rep. David Travis and Sen. Scott Fitzgerald.

COUNCIL STAFF PRESENT:

Terry C. Anderson, Director; Laura Rose, Deputy Director; Don Dyke, Chief of Legal Services; John Stolzenberg, Chief of Research Services; Mary Matthias, Mark Patronskey, Don Salm, Pam Shannon, Ronald Sklansky, Richard Sweet and Russ Whitesel, Senior Staff Attorneys; Philip G. Cardis, Rachel Letzing and Mary Offerdahl, Staff Attorneys; Melissa Schmidt, Council Intern; and Wendy Ulrich and Kelly Mautz, Administrative Assistants.

APPEARANCES:

Sen. Robert Wirth and Rep. Suzanne Jeskewitz, Co-Chairs, Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities; Sen. Alan Lasee, Chair, Special Committee on Child Guardianship and Custody; Rep. John Townsend, Chair, Special Committee on Recodification of Chapter 45, Veterans; and Rep. John Ainsworth, Chair, Special Committee on Septage Disposal.

**Approval of the Minutes of the Committee's
February 25, 2004 Meeting**

Co-Chair Wieckert asked for a motion to approve the February 25, 2004 minutes of the Joint Legislative Council.

Rep. Kaufert moved, seconded by Sen. Risser, that the minutes of the February 25, 2004 meeting be approved. The motion was adopted by unanimous consent.

Consideration of 2002-03 Study Committee Report:

Report of the Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities

Representative Jeskewitz and Senator Wirch, Co-Chairs, reported on the activities of the committee and described in detail the four drafts recommended to the Joint Legislative Council. After a brief discussion, Co-Chair Wieckert asked that the four bills be voted *en masse*.

Sen. Miller moved, seconded by Sen. Lasee, that the following four drafts recommended by the Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities, be introduced, en masse:

- 1. WLC: 0220/2, relating to reorganizing and revising ch. 55 of the statutes.*
- 2. WLC: 0253/1, relating to consent of a legal representative for participation in Medical Assistance waiver programs.*
- 3. WLC: 0254/1, relating to venue, residency, and county of responsibility for certain proceedings under chs. 51, 55, and 880.*
- 4. WLC: 0143/7, relating to adult protective services.*

The motion passed on a roll call vote as follows: Ayes, 18 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Kapanke, Miller, Risser, Robson, Schultz and Zien); Noes, 1 (Sen. Grothman); and Excused, 3 (Reps. Kreuser and Travis; and Sen. Fitzgerald).

[Sen. Fitzgerald and Reps. Kreuser and Travis noted that had they been present, they would have voted "aye" on the four drafts.]

Consideration of 2004 Study Committee Reports:

Administrative Rule-Making Process

The Joint Legislative Council asked Legislative Council staff to examine current laws relating to the procedures used for the promulgation of administrative rules and to develop proposed legislation that modifies current statutory language, codifies practices used in the process, coordinates statutory changes made in the 2003 Session of the Legislature, and make minor substantive changes to the law. Mr. Ronald Sklansky noted that, in preparing the proposed bill draft, the staff sought advice from all state agencies, the Chief Clerks of the Legislature, and the Revisor of Statutes. After there was a general description of WLC: 0080/2, including changes in obsolete provisions, streamlining of the process, and other clarifications:

Rep. Schneider moved, seconded by Sen. Risser, that WLC: 0080/2, relating to making technical and minor substantive changes in the administrative rule-making process, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 19 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Grothman, Kapanke, Miller, Risser, Robson, Schultz and Zien); Noes, 0; and Excused, 3 (Reps. Kreuser and Travis; and Sen. Fitzgerald).

[Sen. Fitzgerald and Reps. Kreuser and Travis noted that had they been present, they would have voted "aye" on WLC: 0080/2.]

Special Committee on Child Guardianship and Custody

Senator Lasee, Chair, Special Committee on Child Guardianship and Custody, briefly reported on the work of the committee and described LRB-0556/1, the committee's recommended draft. After a short discussion regarding accusations of sexual assault, gender bias, and children falsely implicating parents:

Rep. Schneider moved, seconded by Sen. Risser, that LRB-0556/1, relating to the Uniform Child Custody Jurisdiction and Enforcement Act, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 18 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Grothman, Miller, Risser, Robson, Schultz and Zien); Noes, 0; and Excused, 4 (Reps. Kreuser and Travis; and Sens. Fitzgerald and Kapanke).

[Sen. Fitzgerald and Reps. Kreuser and Travis noted that had they been present, they would have voted "aye" on LRB-0556/1.]

Special Committee on Recodification of Chapter 45, Veterans

Representative Townsend, Chair, briefly reported on the activities of the committee and described the committee's recommended draft, LRB-0529/2. After a question from Senator Robson regarding changing the statutory names of veterans homes to include the name of the community that they are located in:

Rep. Schneider moved, seconded by Sen. Robson, that LRB-0529/2, relating to the powers and duties of the Department of Veterans Affairs, veterans assistance, educational programs, burials, cemeteries, homes, housing loans, memorials, and museums, the employment rights and benefits available to persons who are in or who return from military service, the Educational Approval Board, granting rule-making authority, requiring the exercise of rule-making authority, making appropriations,

and providing penalties, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 19 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Kreuser, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Grothman, Miller, Risser, Robson, Schultz and Zien); Noes, 0; and Excused, 3 (Rep. Travis; and Sens. Fitzgerald and Kapanke).

[Sen. Fitzgerald and Rep. Travis noted that had they been present, they would have voted "aye" on LRB-0529/2.]

Special Committee on Septage Disposal

Representative Ainsworth, Chair, Special Committee on Septage Disposal, reviewed the work of the committee and highlighted the key points in WLC: 0062/2. After brief questioning from the Council members on the use of the Clean Water Fund and septage servicing license fees:

Rep. Schneider moved, seconded by Sen. Lasee, that WLC: 0062/2, relating to the management and disposal of septage and municipal sewage sludge and granting rule-making authority, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 18 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Kreuser, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Grothman, Miller, Risser, Robson and Zien); Noes, 0; and Excused, 4 (Rep. Travis; and Sens. Fitzgerald, Kapanke and Schultz).

[Sen. Fitzgerald and Rep. Travis noted that had they been present, they would have voted "aye" on WLC: 0062/2.]

Consideration of Certain 2003 JLC Bills for Reintroduction

Co-Chair Wieckert stated that he is recommending that the Joint Legislative Council consider reintroduction of 10 bills introduced in the 2003 Session which were not enacted. He noted that these proposals were identified in a memorandum distributed to the members of the Council: They are:

- LRB-1817/1, Recod. of Ch. 767, Actions Affecting the Family
- Assembly Bill 177, Improving Wisconsin's Fiscal Management
 - ◆ Senate Bill 64 (Companion bill to Assembly Bill 177)
- Assembly Bill 178, Improving Wisconsin's Fiscal Management
 - ◆ Senate Bill 65 (Companion bill to Assembly Bill 178)
- Assembly Joint Resolution 25, Improving Wisconsin's Fiscal Management
 - ◆ Senate Joint Resolution 21 (Companion bill to Assembly Joint Resolution 25)

- Assembly Resolution 9, Improving Wisconsin's Fiscal Management
- Senate Resolution 5, Improving Wisconsin's Fiscal Management
- Assembly Bill 514, Navigable Waters Recodification

Co-Chair Wieckert asked that the 10 bills be voted on as one package. Representative Gard asked that Assembly Bill 514, the navigable waters recodification bill, be removed from this package and placed on the agenda of the next Joint Legislative Council meeting. Co-Chair Wieckert asked if anyone had any objections. Hearing none, Assembly Bill 514 was removed from the list and:

Rep. Freese moved, seconded by Rep. Schneider, that the nine remaining bills proposed for reintroduction be reintroduced, en masse. The motion passed on a roll call vote as follows: Ayes, 18 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Kreuser, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Grothman, Miller, Risser, Robson and Zien); Noes, 0; and Excused, 4 (Rep. Travis; and Sens. Fitzgerald, Kapanke and Schultz).

[Sen. Fitzgerald and Rep. Travis noted that had they been present, they would have voted "aye" on reintroduction of the nine bills.]

Other Business

Co-Chair Wieckert reminded the Council members that the next meeting of the Joint Legislative Council will be Wednesday, April 6, at 8:30 a.m., in Room 412 East, State Capitol. There was no other business to come before the Joint Legislative Council.

Adjournment

The meeting was adjourned at 9:50 a.m.

TCA:wu;ksm